

REMARKS:

Claims 36-44 are presented for examination, with claims 36 and 42-44 having been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 36-41 under 35 U.S.C. §112, second paragraph.

Of note, claim 36 has been amended hereby to recite that the recess is formed by at least the second and third portions of the inner wall of the skirt. In this regard, see, e.g., Fig. 5 (which illustrates one embodiment of the invention), where the vertical part of the inner wall of the skirt would correspond, in one example, to the “first portion”, the 21⁰ tapered part below that would correspond, in one example, to the “second portion” and the 5⁰ tapered part below that would correspond, in one example, to the “third portion” (claim 42 has been amended hereby to recite similar structure).

Therefore, it is respectfully submitted that the rejection of claims 36-41 under 35 U.S.C. §112, second paragraph, has been overcome.

Reconsideration is respectfully requested of the rejection of claims 36-44 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent 4,812,116 (“Abrams”) in view of U.S. Patent 5,368,178 (“Towns et al.”).

Initially, it is noted that applicant does not necessarily concur with the Examiner regarding the Examiner’s analysis of the claims of the application and the Abrams and Towns et al. disclosures.

Moreover, applicant does not necessarily concur with the Examiner regarding the alleged obviousness of combining the references as suggested by the Examiner.

With regard in particular to this last point, it is noted that the claims of the application currently recite (and, even before amendment hereby, had recited) that the leakproof or air-tight seal is resealable.

Likewise, it appears that the vial and cap of Abrams may be resealable.

However, it is noted that a studied examination of the Towns et al. disclosure reveals that the container and closure are not resealable. This is made clear in the specification, for example, at col. 3, lines 9-23:

Removal of the closure is accomplished in normal manner, using a known

removal tool (not shown), which engages the lower edge of the side wall. It will be noted that such engagement will immediately distort the lower edge 31 to give clear evidence of any attempt at tampering. As the closure is removed, the side wall 21 will be distorted outwardly, immediately venting gaseous pressure within the container past the sealing surfaces, wherein the cap may be removed without explosive effect. Since the removal of the closure will not normally damage the container element, it may be conveniently recycled after use. It should be noted that a small flaw in either of the mating sealing surfaces that does not extend the full width thereof will not affect the sealing action.

Thus, even if one were, as suggested by the Examiner at paragraph 5 of the January 30, 2006 Office Action, to “modify the closure of Abrams ‘116, providing the arrangement of Towns ‘178”, the resulting hypothetical combination would still fail to mimic the claimed invention because the closure mechanism (taken from Towns et al.) would not be resealable.

Therefore, it is respectfully submitted that the rejection of claims 36-44 under 35 U.S.C. §103(a) as allegedly being unpatentable over Abrams in view of Towns et al. has been overcome.

Reconsideration is respectfully requested of the rejection of claims 36-44 under 35 U.S.C. §103(a) as allegedly being unpatentable over Towns et al. in view Abrams.

This rejection is essentially the same as the previous one, with the difference being that here the Examiner proposes modifying Towns et al. using Abrams (instead of the reverse).

Again, it is noted that even if one were, as suggested by the Examiner at paragraph 6 of the January 30, 2006 Office Action, to “modify the container and closure of Towns ‘178, providing the hinge/tether taught by Abrams ‘116”, the resulting hypothetical combination would still fail to mimic the claimed invention because the closure mechanism (of Towns et al.) would not be resealable.

Therefore, it is respectfully submitted that the rejection of claims 36-44 under 35 U.S.C. §103(a) as allegedly being unpatentable over Towns et al. in view Abrams has been overcome.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

Accordingly, it is respectfully submitted that the above-identified application is now in condition for allowance.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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